



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,872	02/17/2004	Michael J. Hulin	MH-2-am-mv	9505

7590

06/10/2005

Michael I. Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER

PARSLEY, DAVID J

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,872

Applicant(s)

HULIN, MICHAEL J.

Examiner

David J. Parsley

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-70 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-52, drawn to an apparatus and system for cooking, drying and peeling shellfish products.

Group II, claim(s) 53-64, drawn to a method for processing raw seafood product.

Group III, claim(s) 65, drawn to a broth processing system.

Group IV, claim(s) 66, drawn to a food flavoring byproduct system.

Group V, claim(s) 67-68, drawn to a peeling device.

Group VI, claim(s) 69, drawn to a spiral conveyor.

Group VII, claim(s) 70, drawn to a stacked conveyor.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing.

However, each grouping involves a different function and different special technical feature not

Art Unit: 3643

shared by the other groups. Group I is directed to an apparatus for processing shellfish and which has the special technical feature of dumping the shellfish product into the conk tank from the crate and removing the crate therefrom, which is not shared by Group II. Group II has a different special technical feature of a heated receptacle having a brine solution therein and means for heating the apparatus, which is not shared by Group I.

The inventions listed as Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group I is directed to an apparatus for processing shellfish and which has the special technical feature of dumping the shellfish product into the conk tank from the crate and removing the crate therefrom, which is not shared by Group III. Group III has a different special technical feature of the brine solution from a seafood broiler is transported to holding tanks prior to packaging as a brine broth, which is not shared by Group I.

The inventions listed as Groups I and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group I is directed to an apparatus for

Art Unit: 3643

processing shellfish and which has the special technical feature of dumping the shellfish product into the conk tank from the crate and removing the crate therefrom, which is not shared by Group IV. Group IV has a different special technical feature of the brine solution from a seafood broiler is extracted from the heated receptacle and injected into a heated furnace or hopper as a fine mist where it is almost immediately dehydrated, which is not shared by Group I.

The inventions listed as Groups I and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group I is directed to an apparatus for processing shellfish and which has the special technical feature of dumping the shellfish product into the conk tank from the crate and removing the crate therefrom, which is not shared by Group V. Group V has a different special technical feature of a screen sweeper/a screened aperture providing access, which is not shared by Group I.

The inventions listed as Groups I and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group I is directed to an apparatus for processing shellfish and which has the special technical feature of dumping the shellfish product

Art Unit: 3643

into the conk tank from the crate and removing the crate therefrom, which is not shared by Group VI. Group VI has a different special technical feature of the spiral dryer cycles the product from a low end to a high end as heated air is passed over the product before dropping product to the low end, which is not shared by Group I.

The inventions listed as Groups I and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group I is directed to an apparatus for processing shellfish and which has the special technical feature of dumping the shellfish product into the conk tank from the crate and removing the crate therefrom, which is not shared by Group VII. Group VII has a different special technical feature of the stacked dryer moves the product from one level to another as heated air is passed over the product, which is not shared by Group I.

The inventions listed as Groups II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group II is directed to a method for processing shellfish and which has the special technical feature of a heated receptacle having a brine

Art Unit: 3643

solution therein and means for heating the apparatus, which is not shared by Group III. Group III has a different special technical feature of the brine solution from a seafood broiler is transported to holding tanks prior to packaging as a brine broth, which is not shared by Group II.

The inventions listed as Groups II and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group II is directed to a method for processing shellfish and which has the special technical feature of a heated receptacle having a brine solution therein and means for heating the apparatus, which is not shared by Group IV. Group IV has a different special technical feature of the brine solution from a seafood broiler is extracted from the heated receptacle and injected into a heated furnace or hopper as a fine mist where it is almost immediately dehydrated, which is not shared by Group II.

The inventions listed as Groups II and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group II is directed to a method for processing shellfish and which has the special technical feature of a heated receptacle having a brine solution therein and means for heating the apparatus, which is not shared by Group V. Group V

Art Unit: 3643

has a different special technical feature of a screen sweeper/a screened aperture providing access, which is not shared by Group II.

The inventions listed as Groups II and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group II is directed to a method for processing shellfish and which has the special technical feature of a heated receptacle having a brine solution therein and means for heating the apparatus, which is not shared by Group VI. Group VI has a different special technical feature of the spiral dryer cycles the product from a low end to a high end as heated air is passed over the product before dropping product to the low end, which is not shared by Group II.

The inventions listed as Groups II and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group II is directed to a method for processing shellfish and which has the special technical feature of a heated receptacle having a brine solution therein and means for heating the apparatus, which is not shared by Group VII. Group

Art Unit: 3643

VII has a different special technical feature of the stacked dryer moves the product from one level to another as heated air is passed over the product, which is not shared by Group II.

The inventions listed as Groups III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group III is directed to a broth processing system and which has the special technical feature of the brine solution from a seafood broiler is transported to holding tanks prior to packaging as a brine broth, which is not shared by Group IV. Group IV has a different special technical feature of the brine solution from a seafood broiler is extracted from the heated receptacle and injected into a heated furnace or hopper as a fine mist where it is almost immediately dehydrated, which is not shared by Group III.

The inventions listed as Groups III and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group III is directed to a broth processing system and which has the special technical feature of the brine solution from a seafood broiler is transported to holding tanks prior to packaging as a brine broth, which is not shared by Group V.

Art Unit: 3643

Group V has a different special technical feature of a screen sweeper/a screened aperture providing access, which is not shared by Group III.

The inventions listed as Groups III and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group III is directed to a broth processing system and which has the special technical feature of the brine solution from a seafood broiler is transported to holding tanks prior to packaging as a brine broth, which is not shared by Group VI. Group VI has a different special technical feature of the spiral dryer cycles the product from a low end to a high end as heated air is passed over the product before dropping product to the low end, which is not shared by Group III.

The inventions listed as Groups III and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group III is directed to a broth processing system and which has the special technical feature of the brine solution from a seafood broiler is transported to holding tanks prior to packaging as a brine broth, which is not shared by Group VII. Group VII has a different special technical feature of the stacked dryer moves the product

Art Unit: 3643

from one level to another as heated air is passed over the product, which is not shared by Group III.

The inventions listed as Groups IV and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group IV is directed to a food flavoring byproduct system and which has the special technical feature of the brine solution from a seafood broiler is extracted from the heated receptacle and injected into a heated furnace or hopper as a fine mist where it is almost immediately dehydrated, which is not shared by Group V. Group V has a different special technical feature of a screen sweeper/a screened aperture providing access, which is not shared by Group IV.

The inventions listed as Groups IV and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group IV is directed to a food flavoring byproduct system and which has the special technical feature of the brine solution from a seafood broiler is extracted from the heated receptacle and injected into a heated furnace or hopper as a fine mist where it is almost immediately dehydrated, which is not shared by Group

Art Unit: 3643

VI. Group VI has a different special technical feature of the spiral dryer cycles the product from a low end to a high end as heated air is passed over the product before dropping product to the low end, which is not shared by Group IV.

The inventions listed as Groups IV and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group IV is directed to a food flavoring byproduct system and which has the special technical feature of the brine solution from a seafood broiler is extracted from the heated receptacle and injected into a heated furnace or hopper as a fine mist where it is almost immediately dehydrated, which is not shared by Group VII. Group VII has a different special technical feature of the stacked dryer moves the product from one level to another as heated air is passed over the product, which is not shared by Group IV.

The inventions listed as Groups V and VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group V is directed to a peeling device and which has the special technical feature of a screen sweeper/a screened aperture providing access,

Art Unit: 3643

which is not shared by Group VI. Group VI has a different special technical feature of the spiral dryer cycles the product from a low end to a high end as heated air is passed over the product before dropping product to the low end, which is not shared by Group V.

The inventions listed as Groups V and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group V is directed to a peeling device and which has the special technical feature of a screen sweeper/a screened aperture providing access, which is not shared by Group VII. Group VII has a different special technical feature of the stacked dryer moves the product from one level to another as heated air is passed over the product, which is not shared by Group V.

The inventions listed as Groups VI and VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: all of the groupings listed above in paragraph 1 of this office action are directed to a method or apparatus involved in shellfish processing. However, each grouping involves a different function and different special technical feature not shared by the other groups. Group VI is directed to a spiral conveyor and which has the special technical feature of the spiral dryer cycles the product from a low end to a high end as heated air is passed over the product before dropping product to the low end, which is not shared by Group VII. Group VII has a different special technical feature of the stacked

Art Unit: 3643

dryer moves the product from one level to another as heated air is passed over the product, which is not shared by Group VI.

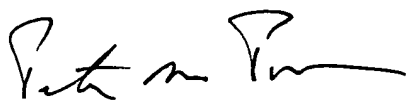
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP
David Parsley
Patent Examiner
Art Unit 3643


PETER M. POON
SUPERVISORY PATENT EXAMINER

6/8/05